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ABSTRACT

This booklet provides an introduction to the special education process and supplies information about parents' rights and parents' role in obtaining services for children with disabilities in North Dakota. Section I discusses Public Law 94-142 and its amendments, focusing on eligibility for services and step-by-step procedures for determining eligibility. Section II describes procedures involved in referral, evaluation, and determination of disability. Section III addresses the Individualized Education Plan and student placement. Section IV lists tips for parents, and the final section cites federal regulations concerning procedural safeguards. Appendixes contain definitions and a state recommended Individual Education Plan form. (JDD)

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A Guide to Parent Rights

Department of Public Instruction
600 East Boulevard Avenue
Bismarck, ND 58505-0440

November 1992

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TABLE OF CONTENTS

INTRODUCTION 1

SECTION I: Public Law 94-142, as amended

Eligibility for Services 2
The Special Education Process 3

SECTION II: Referral, Evaluation, and Determination of Disability

Prior Notice 4
Access to Records 4
Evaluation 5
Determination of Disability 5

SECTION III: The Individualized Education Plan and Placement

What is an IEP? 6
The IEP Meeting 9
Conflict Resolution Options 10

SECTION IV: Tips for Parents 12

SECTION V: Procedural Safeguards

Summary of Your Parental Rights in Special Education 14
Notice 14
Consent 14
Evaluation and Placement Procedures 15
Independent Educational Evaluation 17
Records 17
Confidentiality of Information 18
Least Restrictive Environment 19
Hearings 19
Hearing Officers 20
Hearing Rights 20
Appeals 20
Surrogate Parents 21

APPENDIX A: *IDEA* Definitions of Disabilities

APPENDIX B: State Recommended Individual Education Plan Form

INTRODUCTION

The purpose of this booklet is to give parents information about their rights and the role they have in obtaining services for children with disabilities in North Dakota.

SECTION I: Public Law 94-142, as amended
Section I briefly describes Public Law 94-142 as amended by *IDEA*, and the Special Education process.

SECTION II: Referral, Evaluation and Determination of Disability
This section describes the process for determining a disability and eligibility for special education services.

SECTION III: The Individualized Education Plan and Placement
Section III explains the process used to develop and write an Individualized Education Plan (IEP).

SECTION IV: Tips for Parents
Included in this section are general guidelines to help parents work with the school as it provides services to the child with disabilities.

SECTION V: Procedural Safeguards
This section explains the rights of parents and their child with disabilities, including due process.

This booklet is an introduction to the special education process as well as a parent guide to rights and services provided under the law. In this document the word "parent" is used to represent natural parents, legal guardians, or surrogate parents who represent the child in the educational setting. It may not answer all your questions about special education but it should give you a working knowledge so you can ask for more information on your own.

SECTION I
PUBLIC LAW 94-142, AS AMENDED

On November 29, 1975, the Education for All Handicapped Children Act (*EHA*), as amended by Public Law (P.L.) 94-142, was signed into law. On October 30, 1990, President Bush signed into law the Education for the Handicapped Act Amendments of 1990 (P.L. 101-476). One of the most significant changes to EHA made by P.L. 101-476 is a new title-Individuals with Disabilities Education Act (*IDEA*). In addition, *IDEA* reflects "people first" rather than the disability, and uses "disability" instead of "handicap." The entire statute is amended to reflect these changes, i.e., "infants and toddlers with disabilities" and "children with disabilities." This landmark legislation guarantees the right of **all** children with disabilities (ages 3-21) to a free appropriate public education. Special education and related services are to be provided at public expense with no cost to the parents or guardians.

The Individuals with Disabilities Education Act guarantees the right of all children with disabilities to a free appropriate public education.

ELIGIBILITY FOR SERVICES

One question frequently asked by parents is, "How do I know if my child is eligible for special education services?" Both P.L. 94-142 and North Dakota state law offer educational services to all eligible children with disabilities.

There are two points at which decisions are made about special education service needs.

1. *At the end of the meeting to review the assessment results,* the team decides whether or not the student has a disability. At this point it is decided:

- whether the student meets the eligibility criteria for one of the disabilities under state and federal guidelines. The disabilities in IDEA are: autism, mental retardation, hearing impairment, deafness, speech or language impairment, visual impairment, serious emotional disturbance, orthopedic impairment, other health impairment, multiple disabilities, specific learning disability, deaf-blindness, and traumatic brain injury. (Appendix A provides definitions.)

- whether *the disability* affects the student's educational performance.

2. *At the end of the meeting to develop the individualized education plan*, the team decides:

- whether the student requires special education and related services because of the disability.

- whether an appropriate education can be provided in the regular program without special education and related services.

THE SPECIAL EDUCATION PROCESS

To receive special education services, a child must be referred, assessed by a team of qualified professionals, and determined to have a disability. The following step by step process is used by schools to determine who is eligible for services, and to ensure that appropriate services are provided.

1. Referral
A parent, classroom teacher, or other concerned individual refers the child for evaluation. A parent who believes his/her child is having difficulty learning may request that the school evaluate the child.

2. Parent Notification and Consent for Evaluation
Parents must be notified that their child has been referred for evaluation. Parent consent must be given in writing before the initial evaluation of the child.

3. Evaluation
An evaluation, appropriate for the child's suspected disability, is scheduled and carried out by a team of persons including the parents. This evaluation should include systematic observation, a physical examination (if needed), a review of the child's history, and formal and informal testing.

4. Evaluation Results Shared
The team members, including the parents, share results in a meeting. The team decides if the child has a disability (as defined by federal and state regulations) which impacts on education.

5. Development of IEP and Placement Decision
Based on the results of the evaluation, an Individualized Education Plan (IEP) is developed. The parents and, when appropriate, the child work with the educators in this process. The IEP is written during the meeting at which evaluation results are shared or in a subsequent meeting. The IEP should include:

- present level of performance
- annual goals, short-term objectives and characteristics of services
- extent of participation in regular education
- evaluation criteria for student progress

The services and setting in which the special education will be delivered are determined through the IEP process. Parents need to give written consent for approval of the initial placement into special education services.

6. Plan Implementation
The IEP is initiated, providing the child with appropriate special education and related services in the least restrictive setting.

7. Annual Review
The IEP will be reviewed and revised as often as needed, and at least once every twelve months.

NOTE: If you cannot come to an agreement with your school district about your child's evaluation, IEP, and/or placement, you may request mediation and/or a due process hearing. See Section V on Procedural Safeguards for more information.

SECTION II
REFERRAL, EVALUATION AND DETERMINATION OF DISABILITY

Children are referred for evaluation on the basis of need. The referral may be made by a classroom teacher, parent, or another individual concerned with the child's education. Following a referral, the evaluation is done. The purpose of the evaluation is to get a complete picture of the strengths and weaknesses of your child. It is done by a team of school personnel and parents. As parents, you are an important part of the team since you can describe your child's history and behavior in different situations. Team members might include a school psychologist, special education teacher, doctor (if medical information is needed), audiologist (if a hearing test is needed), or others. The make up of the team will depend upon the suspected needs of your child. After the evaluation is completed a team meeting will be held to discuss and summarize the results. You may ask for a copy of the written report at that time.

The purpose of the evaluation is to get a complete picture of the strengths and weaknesses of your child.

PRIOR NOTICE

The school district must provide written prior notice to the parents of any child referred for evaluation. The notice must be written to be easily understood. It should state the reason why the evaluation is suggested, the types of tests your child will be given, and how the results will be used.

As a parent, you must receive written notice that your child has been referred for evaluation and may be identified as having a disability. Notice must be sent to you in the language you speak and understand best. If you would like to have it read to you or translated you should request this of the school.

You must receive written notice that your child has been referred for evaluation and may be identified as having a disability. As a parent you need to give written permission before the school may conduct the initial evaluation.

As a parent you need to give written permission before the school may conduct the initial evaluation. For any further evaluations, your written permission is not required, but the school must send you written notice of what they intend to do. You should ask for more information if you have questions about the evaluation or notice. Page 14 of this booklet describes prior notice in more detail.

ACCESS TO RECORDS

You can review all of your child's school records upon request. You may ask for an explanation of any information in the records you do not understand. You are

entitled to a copy of the records for your own use. The school has up to five working days, according to North Dakota regulations, to provide this copy although most schools do not require this much time. The school may charge a fee for copying the child's records. If you find information that you believe to be wrong or misleading, contact your local school administrator about changing your child's record.

EVALUATION

Parents play an important role in the evaluation team by providing information that cannot be gained elsewhere.

Listed below are some points to remember when your child has been referred for an evaluation.

✓ The evaluation must be done by a team of specialists. All areas related to the suspected disability must be examined, including (where appropriate) health, vision, hearing, social and emotional status, general intelligence, academic abilities, communication, and motor abilities. Evaluation should **never** be only one test or be given by only one person.

✓ Medical records should be considered along with other reports in making educational decisions.

✓ The evaluation should be done in the language the child knows best. The child's culture must be considered. Children who are deaf or blind must have assessment procedures appropriate to their disabilities. If you feel your child may have been discriminated against during evaluation, discuss your concerns with the team.

✓ Observations from different settings (home, school, community) will be considered by the team along with informal and formal test results.

✓ Parents play an important role in the evaluation team. Day-to-day experiences and observations of your child can provide the team with information that cannot be gained elsewhere.

✓ You can ask for a copy of the evaluation results for your file. Ask the team to explain any parts of the summary you do not understand.

✓ If you disagree with the results of the evaluation done by the school, you have the right to an independent educational evaluation at public expense. However, the school may initiate a due process hearing to show that its evaluation is appropriate. If the evaluation is judged as appropriate, you still have the right to an independent evaluation, but *not* at public expense. The results must be considered by the team.

✓ If the child has had a previous evaluation, information from this evaluation should be considered at the team meeting.

✓ If you disagree with the evaluation results and the decisions by the school, you can request a due process hearing. See Section V on Procedural Safeguards for more information.

DETERMINATION OF DISABILITY

The evaluation summary report states whether your child has a disability which impacts on education as defined in state and federal regulations. The next step is the development of the IEP.

SECTION III
THE INDIVIDUALIZED EDUCATION PLAN AND PLACEMENT

The goal of the evaluation process is to determine: (a) your child's unique needs, (b) if your child requires a special education service, and (c) educational services that are appropriate for your child's needs. If your child is evaluated and determined to have a disability, your child should be served in an educational setting that best meets his/her individual needs. To the maximum extent possible, children with disabilities are to be educated with children who do not have disabilities. This is called the least restrictive environment (LRE). Often this leads to a learning situation that benefits all children, including those with disabilities. In addition, the more separate the classroom or school environment, the more isolated the child is from children who do not have disabilities. The concern of the IEP team, which includes you as the parent, is to see that your child is served in the least restrictive setting that still meets his/her needs.

To the maximum extent possible, children with disabilities are to be educated with children who do not have disabilities.

Every child with a disability is entitled, by law, to an Individualized Education Plan or IEP. Your school district is responsible for the development of an IEP tailored to meet the needs of every child with disabilities. The IEP must be reviewed and revised as needed, and at least once every twelve months.

Parents of children with disabilities should understand the IEP process so that they may best serve the interests of their child. The IEP meeting is a way for school and parents to communicate. As equal partners they can work together to provide the best services possible for the child with disabilities. It is important for parents to be involved in their child's IEP development and to check their child's progress after the IEP is in place. School personnel depend upon parents who are concerned about the education their child receives and who understand and follow their child's progress in school.

WHAT IS AN IEP?

An IEP describes the child's present performance and plans an appropriate educational experience based on the child's unique needs. In addition, it is a commitment of school resources so the child can receive special education and related services. It is a management/monitoring tool to make sure that services are meeting the needs of the child. The parts of the IEP are described below.

The IEP is an educational plan for your child, a commitment of school resources, a management and monitoring tool, and a way for parents and school to communicate.

Present Level of Educational Performance. The present level of educational performance summarizes and blends together information from all sources, including the student's family. The statement should include information about the student's strengths and weaknesses, and unique patterns of behavior and performance that affect the student's education.

Annual Goals. A goal should be written for each of the needs described in the present level of educational performance. They should be specific to the student. Goals state what the student is expected to do. Since goals are written for an annual IEP, the student should be able to achieve it in twelve months.

Short Term Objectives. Each goal will be met by accomplishing a series of smaller steps called short term objectives. An objective tells what the student (rather than teachers) will do. It can be observed and defined. Using objectives, the student's progress can be measured.

It is important to remember that because objectives are sequenced, they will not all begin on the same date; some will begin only after others have been accomplished. Projected start dates and schedules assist team members in measuring and documenting progress.

Characteristics of Services. At this point the team needs to think through a series of questions for each objective. The answer to each question will describe the setting and services used to meet the objective. The process determines characteristics of services. The questions are considered in the following order so the student will have the greatest opportunity to be included with his regular education classmates.

1. Can the performance specified in this objective be met in regular classroom activities *without modification or adaptation?*

2. Can the performance specified in this objective be met in regular classroom activities *if appropriate modifications are made?* If the answer is yes, what types of modifications are necessary and what special education services are needed?

3. Can the performance specified in this objective be met if the content difficulty is altered OR if specially designed instruction (totally different) is provided?

4. Can the performance specified in this objective be met if supportive training related to the disability is provided (e.g., functional communication training, orientation and mobility, fine/gross motor development, etc.)?

Questions of who will provide the services, who will monitor the progress, and when this will occur are saved for later so the team can concentrate on determining the characteristics of service.

Periodic Review of Services. Objectives must be reviewed by the team at least annually. They may be reviewed more frequently if needed. As a parent, you may ask the team to review the IEP.

Adaptation of Educational Services. This section of the IEP includes: modifications and adaptations needed to meet the goals and objectives, behavior management techniques, and graduation or program completion requirements. It is also important to note which staff person(s) will be responsible for implementing each adaptation.

The team needs to consider all adaptations that allow the students to be successfully included in general education settings. Adaptations may include grading, staff, materials, assistive equipment and technology, adapted curriculum or teaching methods and other services.

The second part of the Adaptations of Educational Services component addresses behavioral interventions. This section is completed only when a behavior plan is necessary for the student to meet his/her goals and objectives. The team process must determine whether the behavior in question is related to the disability or if it is due to programming that does not meet the student's needs, and how the behavior relates to the general school discipline policy, including suspension and expulsion.

Graduation requirements should be addressed for students age 14 and older. The team should discuss the following:

1. Which graduation requirements are appropriate for this student without modifications and adaptations?

2. Which requirements are appropriate with specially designed instruction?

3. Is there an alternative curriculum that may be substituted for the requirements determined not appropriate for the student?

4. What is a realistic timeline for achieving graduation requirements?

Special Education and Related Services. This part of the IEP lists by whom, when, and where special education and related services should be provided. The amount of time, the starting date for each service, the person providing the service and where the service is to be provided will be discussed, decided upon and documented. For the student to have the greatest opportunity to be included with his regular education classmates, least restrictive alternatives will be discussed in relation to all of these decisions.

Consideration should be given to who will be responsible for monitoring progress of goals and/or objectives. This information should be inserted for each goal. In some cases, one individual may be responsible for monitoring progress of all objectives for a goal. In other cases, this responsibility may be different for each objective.

It is assumed that the services listed will be provided for twelve months from the date of the IEP, but only during the normal school year of 180 days. Breaks in the school year, such as summer vacation, are not included as part of the normal school year. If any service is planned for summer vacation time (extended school year), an explanation must be provided.

Least Restrictive Environment (LRE). This part of the IEP explains the team's decision about where your child will receive his or her education.

You as a parent have the following rights during this discussion. You have the right to:

- have your child educated to the maximum extent appropriate with children who do not have disabilities;
- have your child removed from the regular educational environment only when the nature or severity of the disability is such that education in regular

classes with the use of supplementary aids and services cannot be achieved satisfactorily;

- have a continuum of supplementary services and alternative placements available to meet the needs of your child;
- have your child participate, to the maximum extent appropriate to the child's individual needs, with children who do not have disabilities in extracurricular activities including meals and recess periods;
- have your child educated in the school that he or she would attend if he or she had no disability unless the IEP requires some other arrangement; and
- have your child's educational placement based on his or her IEP and determined at least annually.

Description of Activities with Students Who do not Have Disabilities. Interactions with classmates who do not have disabilities must be stated on the IEP for physical education, nonacademic and extracurricular activities, and educational program options. Educational programs include art, music and vocational courses. Examples of nonacademic and extracurricular programs or services to which students must have access include counseling services, recreational activities, and special interest groups or clubs.

THE IEP MEETING

You can best assist your child if you attend the meeting and participate in the discussion. If you do not understand something, ask questions of your child's teacher, principal, or other team members.

Meeting Arrangements. The IEP meeting shall be held no later than 30 days after the team has determined that your child has a disability. You must receive written notice stating the purpose, date, time, location, and who will be at the meeting. You will also receive a written list of your rights as a parent. The meeting may be held without you only if attempts to set up a mutually convenient meeting with the team have failed.

The school must take whatever action is necessary to ensure that you understand the reasons for, and proceedings of the meeting. This may include arranging for an interpreter for parents who are deaf or whose native language is other than English.

Who is involved? According to P.L. 94-142, the following people are part of the IEP team.

1. A representative of the school (other than the child's teacher) who is qualified to provide or supervise special education services. This may be the principal, the special education director, a superintendent, or someone appointed to fill the role.

2. The child's teacher.

3. A special education teacher with training in the area of disability.

4. One or both of the child's parents.

5. The child (when appropriate). Students who are fourteen years of age or older must attend because discussion will include postsecondary plans. See page 13 about attendance by your child.

6. Transition services personnel. This may include people from other agencies.

7. Other individuals at the discretion of

the parent or school. If others are invited, the parent or school should inform the other party.

Decision of the IEP Team. The IEP team decides at the meeting the specially designed instruction needed to meet the child's unique needs. Because every child's needs are different, a range of services is available. Your child should receive the educational services that fit his/her unique needs and allows as much contact as possible with children in regular classrooms.

The IEP team will design a program of special education and related services to fit your child's needs and abilities. Related services are supportive services needed to help the child benefit from special education. Examples include special transportation, physical or occupational therapy, and psychological services.

The IEP process allows parents and school personnel to share concerns. As a parent, you are a member of the IEP team and are involved in making educational decisions. If you feel that either the placement decision or the IEP is not appropriate for your child, you should contact the school and work toward a mutually agreeable solution. If you cannot reach a solution with the school you have the option to request outside mediation and/or a due process hearing conducted by an impartial third party.

CONFLICT RESOLUTION OPTIONS

Mediation. If a problem arises with the education of your child, begin to search for a solution by talking with your child's teacher. State your concerns as clearly as possible, indicating that you wish to work with the school to find a solution. If this discussion is unsatisfactory, talk with the school principal or the director of special education in your special education unit. Frequently, problems can be solved at this level without going to a due process hearing. An impartial third party, a mediator, is used to assist the school and the parent in reaching an agreement during an informal meeting. Mediation provides a process for both sides in a conflict to seek a compromise solution to the dispute. A request for mediation should be made to your local director of special education.

Due Process Hearing. Parents have the right to a due process hearing concerning any matter relevant to the child's identification, evaluation, placement, or the provision of a free appropriate public education. Either the school or parents may initiate a due process hearing. The written request should be made to the Director of Special Education at the Department of Public Instruction. When a hearing has been requested, it is conducted by an impartial person, the due process hearing officer. The decision of the hearing officer will be reached within 45 days after the approval of the due process request. If either the parent or school is dissatisfied with the decision of the hearing, further action may be pursued through the state or federal court system. For a complete listing of your rights under due process, see page 14. Copies of the due process hearing procedures are available from the local special education unit or the Department of Public Instruction, Division of Special Education, 600 East Boulevard Avenue, Capitol Building, Bismarck, ND 58505-0440.

Complaint System. The Department of Public Instruction has a procedure to investigate complaints made against the

state, special education unit or school district relative to compliance with federal regulations. This complaint procedure addresses matters of state, unit or district policy, procedure or practice. It does not resolve issues related to individual children. Mediation and due process hearing procedures address issues related to individual children. The complaint may be filed by an individual, agency, group, or organization. Within 60 working days the State Director or designee will investigate the complaint and reach a decision. Persons dissatisfied with the Department of Public Instruction's final decision may request a review by the Secretary of Education, Washington, D.C. 20202.

Information on conflict resolutions options and procedures can be obtained from:

Department of Public Instruction
Division of Special Education
600 East Boulevard Avenue
Bismarck, ND 58505-0440

SECTION IV
TIPS FOR PARENTS

You as a parent of a child with a disability are a valuable resource to the school. You have a wealth of knowledge about your child that no one else can provide. In addition, you have a vested interest in helping the school to provide your child with a good educational experience so that your child may continue to learn. You and your school need to work as partners to better educate your child.

In the list that follows, you will find some suggestions to help you work with your school in providing good educational services to your child.

✓ **Know your rights.** Read the manuals prepared for parents that are available from your school or the Department of Public Instruction.

✓ **Mark important meeting dates on your calendar**. Include reminders of actions to be taken or information shared.

✓ **Attend any meeting about your child's education.** Be active. Ask questions. Come to the meeting on time.

✓ **Take notes during meetings and telephone conversations.** Save these notes as well as all correspondence and reports from the school. Make sure your notes are dated.

✓ **Write all requests to the school.** Keep a copy of all correspondence.

✓ **Write down questions as you think of them.** This will help you to plan for meetings or remind you to call your child's teacher or other personnel for further information.

✓ **Let the teacher know you are interested in your child's education.** Identify skills your child does well or those skills where help is needed. Communicate frequently with the teacher so that you and the teacher feel comfortable discussing any situation as it arises.

✓ **Ask to observe your child in the classroom.** During an observation visit, look for information to specific questions. For example, when called upon, does your child respond like others in the class? Does your child participate in classroom activities? If you have concerns about what you observe, talk them over with the teacher. It is a good idea to observe your child in the classroom before the IEP meeting. Make suggestions for programming that you feel are important to your child's education.

✓ **Help your child with homework,** and reinforce skills and concepts your child is learning at school.

✓ **If possible, volunteer to help in your child's school.** There are many opportunities to help staff and students such as in the lunchroom, library, classroom, field trips, and other situations.

✓ **Watch for signs that your child is happy in school.** Any difficulties should be discussed with the teacher.

✓ **Look for evidence that your child is making progress toward the goals and objectives written in the IEP**. Save

samples of your child's work. If you have concerns, call your child's teacher and set up a conference. If needed, the teacher can assist in calling together the IEP team to discuss your concerns.

✓ **Get to know the parents of other children.** They can offer you support. Contact your local parent organization or advocacy network. If there is no local organization, work with other parents to organize one. If you are unsure how to contact a regional or state organization, or would like to organize a local parent support group, contact the Department of Public Instruction, 600 East Boulevard Avenue, Bismarck, ND 58505-0440.

✓ **Have your child participate in IEP meetings, when appropriate.** Encourage your child to know that his or her educational rights are guaranteed under the law, and to be able to communicate the kind of services needed to meet his/her needs. Generally a child should attend the IEP meeting whenever the parent decides that it is appropriate for the child to do so. Perhaps you should consider *in which, if any, situations it is not appropriate for your child to attend.* Whenever possible, the school and parents should discuss the appropriateness of the child's participation before a decision is made, in order to help the parents determine whether the child's attendance will be (1) helpful in developing the IEP and/or (2) directly beneficial to the child. The school should inform the parents before each IEP meeting as part of the notice of meeting that they may invite the child to participate.

The parents and school should encourage older children (particularly those at the secondary school level) to participate in their IEP meetings.

SECTION V
PROCEDURAL SAFEGUARDS

IDEA includes the rights to which you, as a parent of a child with a disability are entitled. The rights are set forth in this section. We encourage you to read it carefully.

In this explanation of rights we have used the word *school* to mean the place where your child is being educated. This may be your neighborhood public school, the educational part of a hospital, or some other residential setting.

SUMMARY OF YOUR PARENTAL RIGHTS IN SPECIAL EDUCATION

Your rights and those of your child may be summed up in the following key terms: **Notice, Consent, Evaluation, Records, Confidentiality of Information, Least Restrictive Environment, Hearings.**

The remainder of this section describes your rights and procedural guarantees. The citations refer to the federal regulation numbers.

NOTICE

As a parent you have a right to:

• be notified before the school: (a) identifies, assesses, or places your child on grounds of having a disability; (b) changes identification, assessment, or placement that has been made; or (c) rejects your request that these actions be taken. [*Reg. 300.504(a)(1)(2)*]

• receive all such notices in writing and in the language you speak and understand best. If there are parents whose native language is not a written language, the school officials must ensure that: (a) the notice is explained to them orally or in a mode of communication they understand; (b) they understand the information they have been given; and (c) there is written evidence that this requirement has been met. [*Reg. 300.505(b),(c)*]

• be notified of each evaluation procedure, test, record, or report the school will use as the basis for making any decision(s) regarding your child. *[Reg. 300.505(a)(3)]*

• a description of the plan for your child with an explanation of why it is recommended, what other options were considered, and why the other options were ruled out. *[Reg. 300.505(a)(2)]*

• be informed of any other relevant factors school officials considered in their recommendation or rejection decision. *[Reg. 300.505(a)(4)]*

CONSENT

Your written consent is necessary before the school can:

• test your child individually prior to placement in special education. *[Reg. 300.504(b)(1)(i)]*

• place your child in a special education program for the first time. *[Reg. 300.504-(b)(1)(ii)]*

Before your consent is given, the school

must explain in your native language what you are agreeing to, and the school must be sure that you understand it. *[Reg. 300.500(a)(1)]*

The consent form must describe what you are agreeing to, list which of your child's records (if any) will be released, and specify who will receive them. *[Reg. 300.500(a)(2)]*

Your consent is to be given freely, and you may withdraw it at any time. *[Reg. 300.500(a)(3)]*

If you do not consent, your child's right to attend school and participate in school activities will not be affected by your refusal. *[Reg. 300.504(d)]*

If you refuse to give your consent, and the school administrators believe what they propose is in your child's best interest, the school may request a hearing (subject to state laws and procedures). An independent hearing officer would then decide whether your child should be tested or provided special education and/or related services without your consent. *[Reg. 300.504(b)(3)]*

You have a right to attend this hearing and tell why you refuse to give your consent. If the hearing officer upholds the school, the school may then evaluate or initially provide special education and related services to your child without your consent unless you appeal the decision in civil court. *[Reg. 300.504(b)-(3); 300.510; 300.511]*

EVALUATION AND PLACEMENT PROCEDURES

Before your child receives any special education services, a full and individual evaluation must be conducted. This means your child will be given specific tests which are not usually given to most school children. *[Reg. 300.531]*

In this circumstance your child has a right to:

- be tested in the language or other mode of communication which he or she speaks and/or understands best. *[Reg. 300.532(a)(1)]*
- be tested in such a manner that results are not affected by race or culture. *[Reg. 300.530(b)]*
- be tested by qualified professionals using valid tests given according to proper instructions. *[Reg. 300.532(a)(2)-(3)]*
- be evaluated by a group of professionals including at least one teacher or specialist who is knowledgeable about the kind of problem your child is thought to have. *[Reg. 300.532(e)]*
- be tested in all areas related to the suspected problem. *[Reg. 300.532(f)]*
- be tested through procedures which determine specific areas of educational need, not just an intelligence ("IQ") test. *[Reg. 300.532(b)]*
- have his or her educational program determined on the basis of more than one test. *[Reg. 300.532(d)]*
- receive a complete reevaluation every three years, or more frequently if necessary, or if requested by you or your child's teacher. *[Reg. 300.534(b)]*
- have his or her individualized education program (IEP) reviewed annually. *[Reg. 300.534(a)]*

Tests must be given to children with impaired hearing or vision, or restricted ability to move or speak, in such a way as to measure potential ability or what has been learned, and not the degree of impairment, unless measuring impairment is the purpose of the test. *[Reg. 300.532(c)]*

When looking at test results and deciding on the best placement and program for your child, the school must:

- collect information from many sources. *[Reg. 300.533(a)(1)]*

- ensure that the placement decision is made by a group of professionals including persons who know about your child and are professionally capable of interpreting the evaluation results and then relating those results to appropriate options. *[Reg. 300.533(a)(2)]*

- ensure that the placement decision is made in such a way that your child may be educated, to the extent appropriate, with children who do not have disabilities. *[Reg. 300.533(a)(4)]*

If it is determined that your child has a disability and is in need of special education and related services, an individualized education program (IEP) must be developed. *[Reg. 300.533(b)]*

An individualized educational program (IEP) must include:

- a statement of your child's present levels of education performance. *[Reg. 300.346(a)]*

- a statement of annual goals and short term objectives for your child. *[Reg. 300.346(a)(2)]*

- a statement of the specific special education and related services to be provided. *[Reg. 300.346(a)(3)]*

- the extent to which your child will participate in regular education programs, *[Reg. 300.346(a)(3)]*

- the projected dates for beginning special education and how long it is expected to continue. *[Reg. 300.346(a)(4)]*

- an objective way of determining, at least annually, whether your child meets the short term objectives that were set. *[Reg. 300.346(a)(5)]*

A statement of services or activities needed to promote coordinated transition or movement from school to postschool activities. *[Reg. 300.346(b)]*

The IEP must be decided upon in a meeting *[Reg. 300.343]* that includes:

- a representative of the school your child attends (this must be someone who is qualified to provide or supervise special education). *[Reg. 300.344(a)(1)]*

- your child's teacher. *[Reg. 300.344-(a)(2)]*

- you, as the child's parent(s). *[Reg. 300.344(a)(3)]*

- your child, if appropriate. *[Reg. 300.-344(a)(4)]*

- other participants as indicated by either you or the school. *[Reg. 300.344-(a)(5)]*

For a child with a disability who has been evaluated the first time, a person knowledgeable in evaluation procedures must participate. *[Reg. 300.344(b)]*. If

the purpose of the meeting is consideration of transition services, the school must invite the student and the representative of any other agency that is likely to be responsible for providing or paying for transition *[Reg. 300.344(c)]*.

If you want additional information about your child's IEP, ask your child's teacher or an official of your child's school.

INDEPENDENT EDUCATIONAL EVALUATION

If you do not agree with the evaluation provided by the school -- that is, if you don't think they gave the right tests or reached the right conclusions -- you may have an independent educational evaluation conducted at public expense. *[Reg. 300.503(a)]*

An *independent educational evaluation* means that your child will be tested by a qualified person who is not employed by the school your child attends. The school will either pay for a private evaluation or will arrange for one at no cost to you. *[Reg. 300.503(a)(3)(i), (ii)]*

However, the school also has a right to a hearing to show that its evaluation was appropriate. If the hearing officer decides that the school's evaluation was appropriate, you still have the right to an independent educational evaluation, but not at public expense. *[Reg. 300.503(b)]*

The school must inform you, if you ask, where independent evaluations are available. *[Reg. 300.503(a)(2)]*

If you have an independent evaluation conducted at your own expense, the results of this evaluation: *[Reg. 300.503-(c)]*

- must be considered by the school in any decision about your child's education, and *[Reg. 300.503(c)(1)]*

- may be presented as evidence in a formal hearing (see "Hearings" section). *[Reg. 300.503(c)(2)]*

If an independent evaluation is requested by a hearing officer as part of a due process hearing, the evaluation must be at public expense. *[Reg. 300.503(d)]*

Independent evaluations conducted at public expense must meet the same criteria (e.g., qualifications of examiner) as the evaluations initiated by the school. *[Reg. 300.503(e)]*

RECORDS

You have a right to:

- receive, if you ask, a list of the types of education records kept on your child, and information on where they are kept and how you can see them. *[Reg. 300.-565]*

- inspect and review any of your child's records. The school must comply with your request to do so without unnecessary delay; before an IEP meeting or hearing; and within 45 days (North Dakota requirement is 5 working days) *[Reg. 300.562(a)]*

The school may not charge to search for or collect the information. *[Reg. 300.566-(b)]*

You have a right to:

- have someone at your child's school explain or interpret any item in your child's records. *[Reg. 300.562(b)(1)]*

• receive copies of the records if this is the only way that you will be able to review and inspect them. *[Reg. 300.562 (b)(2)]*. The school may charge a fee for the copies, if such a charge does not prevent you from inspecting and reviewing the records. *[Reg. 300.566(a)]*

• have a representative of your choice (e.g., advocate, friends who know about disabilities, or others) inspect and review the records. *[Reg. 300.562(b)(3)]* (Note: the school is required to obtain signed, dated written consent before it can disclose personally identifiable information from student records. Written consent must specify the records that may be disclosed, the purpose for the disclosure, and identify the party to whom the disclosure may be made.) *[Reg. 300.571-(a)(1)]*

The school must assume that you have the authority to inspect and review your child's records unless they have been informed that you do not have this right (for example, because of legal action such as custody). *[Reg. 300.562(c)]*

If you feel that any statements in your child's records are wrong or misleading, you may ask the school to change them. *[Reg. 300.567(a)]*

The school must either change such statements in a reasonable period of time or formally refuse to do so. *[Reg. 300.567(b)]*

If they refuse, school officials must inform you of their refusal and advise you of your right to a hearing on the matter. *[Reg. 300.567(c)]*

If you request such a hearing, the school must hold one. *[Reg. 300.568]*

This hearing does not necessarily follow the process described in the "Hearings" section of this explanation of rights. The hearing may be conducted by any school official who does not have a direct interest in its outcome. *[Reg.300.-570]*

If the hearing is decided in your favor, school officials must change the information and inform you of the change. *[Reg. 300.569(a),(b)]*

If the information is decided to be accurate by the school and a decision is made not to change the information, you have the right to add your own statement to the record. Your statement must be kept as long as the contested part of the overall record is kept. If that record is shown to anyone, your statement must be included. *[Reg. 300.569(c)(1)(2)]*

CONFIDENTIALITY OF INFORMATION

The school is responsible for protecting the confidentiality of your child's education records by: *[Reg. 300.572(a)]*

• naming the person who is responsible for ensuring the confidentiality of records. *[Reg. 300.572(b)]*

• guaranteeing that all persons who collect or use such information are trained in the state's policies and procedures regarding confidentiality. *[Reg. 300.572(c)]*

• keeping, for public inspection, a list of employees who can look at these records. *[Reg. 300.572(d)]*

• permitting you to see only that information about your child when records contain information on more than one child. *[Reg. 300.564]*

• requiring your consent before your child's education records are given to anyone not involved in your child's education. *[Reg. 300.571(a)(1)]*

• requiring your consent before using your child's records for any purposes other than those related to providing special education and related services. *[Reg. 300.571(a)(2)]*

• informing you when confidential information on your child is no longer needed. This information must be destroyed at your request. The school should remind you that these records may be needed later, for example, to secure Social Security benefits. If you decide to have confidential information destroyed, the school will retain permanent school record information (e.g., name, address, attendance records, grades). *[Reg. 300.-573(a),(b)]*

LEAST RESTRICTIVE ENVIRONMENT

Your child has a right to:

• be educated, to the extent appropriate, with children who do not have a disability. *[Reg. 300.550(b)(1)]*

• be in a regular classroom unless the nature or severity of the disability is such that he or she cannot receive a satisfactory education in the regular classroom by using additional aids and services. *[Reg. 300.550(b)(2)]*

• have a range of placements available, including regular school classes, special classes, special schools or institutions, residential placements, and home instruction. *[Reg. 300.551(b)(1)]*

• participate to the extent appropriate with children who do not have disabilities in extracurricular and nonacademic activities. *[Reg. 300.553]*

• attend the school he or she would attend if he or she had no disability unless the IEP calls for a different placement. *[Reg. 300.552(c)]*

Your child's educational placement must be: reviewed annually; based on the IEP; and as close to home as possible. *[Reg. 300.552(a)(1)-(3)]*

Every local education agency must have available a variety of sites and settings to meet the educational needs of children with disabilities. This must include any special education and related services needed to carry out the child's IEP. *[Reg. 300.551(a)]*

Any supplementary services needed when a child with disabilities is in a regular class must be supplied by the school. *[Reg. 300.551(b)(2)]*

In selecting the least restrictive environment for your child, school officials must consider any possible harmful effects that a particular placement or service(s) may have on your child. *[Reg. 300.552-(d)]*

HEARINGS

If you cannot agree with the school about your child's education, you have the right to ask for a due process hearing. *[Reg. 300.506(a)]*

A hearing may be held on any matter relating to the identification, evaluation, or placement of your child or the provision of a free appropriate public education. Hearings are conducted by the Department of Public Instruction. *[Reg. 300.506(b)]*

To obtain a due process hearing, contact the Department of Public Instruction (see page 21).

HEARING OFFICERS

An impartial hearing officer will be assigned to preside over the hearing and arrive at a decision. To ensure impartiality, a hearing officer may **not** be:

- an employee of a public agency (school system, institution, etc.) which is involved in the education or care of your child. *[Reg. 300.507(a)(1)]*

- anyone who has a personal or professional interest which would conflict with objectivity in the hearing. *[Reg. 300.507-(a)(2)]*

HEARING RIGHTS

Rights to which both you and the school are entitled include the right to:

- be accompanied and advised by legal counsel and by persons with special knowledge of the problems of children with disabilities. *[Reg. 300.508(a)(1)]*

- present evidence, cross-examine and compel the attendance of witnesses. *[Reg. 300.508(a)(2)]*

- prohibit the introduction of evidence that had not been revealed to you or to the school at least five days before the hearing. *[Reg. 300.508(a)(3)]*

- receive a written or recorded verbatim record of the hearing. *[Reg. 300.508(a)-(4)]*

- receive a written record of the findings of fact(s) and decisions of the hearing. *[Reg. 300.508(a)(5)]*

You also have the right to:

- be told by the school where free or low cost legal help is available. The school must give you this information at any time you request it or whenever a hearing is to take place. *[Reg. 300.506-(c)(1)(2)]*

- have your child attend the hearing if you wish. *[Reg. 300.508(b)(1)]*

- open the hearing to the public if you wish. *[Reg. 300.508(b)(2)]*

- have the hearing conducted at a time and place reasonably convenient to you. *[Reg. 300.512(d)]*

Within 45 days of receipt of your request for a hearing, the hearing officer must reach a decision and mail you a copy of the decision. *[Reg. 300.512(a)(1)(2)]*

The hearing officer may grant an extension to this time period at the request of either party. *[Reg. 300.512(c)]*

The decision of the hearing officer is final unless either you or the school chooses to appeal. *[Reg. 300.509]*

APPEALS

If your hearing was held by the state and you are not satisfied with the outcome of a due process hearing, you can bring civil action in a state or federal court or a U.S. district court. *[Reg. 300.511]*

During the time that the hearing and appeals process are taking place, your child will remain in his or her present placement, unless you and the school agree otherwise. If the dispute concerns the initial admission of your child to public school, then with your consent,

your child will be placed in a public school program until the completion of the proceedings. *[Reg. 300.513(a),(b)]*

SURROGATE PARENTS

Each school must guarantee that rights of children are protected when: no parent can be identified; the whereabouts of a parent are not known; and the child is a ward of the state. *[Reg. 300.514(a)(1)-(3)]*

It is the school's duty to appoint a stand-in or surrogate, or to see that one is appointed. Either the state or your school must have a method of appointing surrogate parents. *[Reg. 300.514(b)]*

The school or state may select a surrogate in any manner permitted by state law *[Reg. 300.514(c)(1)]*, but must make sure that the person selected:

- does not have a conflict of interest. *[Reg. 300.514(c)(2)(i)]*

- is qualified to represent the child. *[Reg. 300.514(c)(2)(ii)]*

- is not an employee of a public agency involved in the education or care of the child (a person is not considered an employee solely because he or she serves as a surrogate). *[Reg. 300.514(d)-(1)(2)]*

The surrogate may represent the child in all matters relating to identification, evaluation, placement, and the provision of a free appropriate public education. *[Reg. 300.514(e)(1)(2)]*

A copy of the full text of the Public Law 94-142 regulations is available upon request from:

Department of Public Instruction
Division of Special Education
600 East Boulevard Avenue
Bismarck, ND 58505-0440

Telephone: (701) 224-2277

APPENDIX A

IDEA DEFINITIONS OF DISABILITIES

APPENDIX A
IDEA Definitions of Disabilities

As used in this part, the term "children with disabilities" means those children evaluated in accordance with Regs. 300.530-300.534 as having mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, specific learning disabilities, deaf-blindness, or multiple disabilities, and who because of those impairments need special education and related services.

The terms used in this definition are defined as follows:

Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has a serious emotional disturbance, as defined below.

Deafness means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects educational performance.

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, which adversely affects a child's educational performance but that is not included under the definition of "deafness" in this section.

Mental retardation means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

Multiple disabilities means concomitant impairments (such as, mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

Orthopedic impairment means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

Other health impairment means having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, that adversely affects a child's educational performance.

Serious emotional disturbance is a term that means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, that adversely affects educational performance:

- an inability to learn which cannot be explained by intellectual, sensory, or health factors;

- an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

- inappropriate types of behavior or feelings under normal circumstances;

- a general pervasive mood of unhappiness or depression; or

- a tendency to develop physical symptoms or fears associated with personal or school problems.

The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have a serious emotional disturbance.

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not apply to children who have learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

Speech or language impairment means a communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical function; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

APPENDIX B

STATE RECOMMENDED INDIVIDUAL EDUCATION PLAN FORM

INDIVIDUAL EDUCATION PLAN

Effective dates of this IEP (mo, day, yr.)
_____ / _____ / _____ to
_____ / _____ / _____

A. Student Name (Last, First, MI)			Birthdate (mo., day, yr.) / /	Sex ☐ M ☐ F
Grade	Race 1 2 3 4 5	Primary Language	Anticipated Graduation Date (Sec. only)	
Current Address		City	State	Zip
Permanent Residence Address (if different than above)		City	State	Zip
School of Enrollment			School Telephone Number	

B. Name of Parent(s)	Home Telephone Number	Other Telephone Number
Address (if other than Student's Permanent Residence Address)		Primary Language at Home
Guardian/Surrogate Parent Name	☐ Guardian	☐ Surrogate Paren.
Address (if other than Student's Permanent Residence Address)	Home Telephone Number	Other Telephone Number

C. IEP Case Manager	Telephone Number	Date of Last Comprehensive Individual Assessment (mo., day, yr.)
IEP Type ☐ Initial ☐ Annual		_____ / _____ / _____
Federal Child Count Setting A B C D E F G H I	Primary Disability	Secondary Disability(ies)

D. Date of IEP Meeting (mo., day, yr.) _____ / _____ / _____	List Names of All Team Members	Indicate Attendance
Parent *		☐ Yes ☐ No
Parent		☐ Yes ☐ No
Student		☐ Yes ☐ No
Administrator/Designee		☐ Yes ☐ No
Special Education Teacher		☐ Yes ☐ No
Regular Education Teacher		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No

*If the parent did not attend the IEP meeting, describe effort to arrange a mutually agreed upon time and place. Include date, contact, and outcome of each effort.

E. Present Levels of Educational Performance

The present level of educational performance is an integrated summary of data from all sources including the student's family. The statement should include information about the student's specific strengths and weaknesses, unique patterns of functioning, and implications of the problem areas on the student's total functioning. Performance areas to be considered include the following:

- ✓ intellectual functioning
- ✓ academic performance
- ✓ communicative status
- ✓ motor ability
- ✓ sensory status
- ✓ health/physical status
- ✓ emotional and social development, and behavior skills (including adaptive behavior, if applicable), ecological factors
- ✓ functional skills, community participation
- ✓ vocational, occupational potential, and secondary transition (this must be addressed for all students who are age 14 or older, and younger students for whom the team determines it is applicable).
  - jobs and job training
  - recreation and leisure
  - home/independent living
  - community participation
  - post-secondary training and learning opportunities

F. Annual Goals, Short-Term Objectives, and Characteristics of Services

Use one page for each goal. Thoroughly state the goal. (This page should also be used for transition goals and objectives for students age 14 or older.) Related Services should appear ONLY as objectives that are integrated into the student's instructional program.

Goal:

Goal # _____ of _____ goals

Short-Term Instructional Objectives and Characteristics of Services

List objectives for each goal including measurable criteria, evaluation procedures, and schedules for determining if objectives are being achieved (initiation date, dates for progress checks). The person responsible for monitoring progress will be added upon completion of Section I.

For characteristics of services, consider service delivery arrangements appropriate to the goal and objectives:

- ✓ performance can be expected in the regular education program without modification or adaptation;
- ✓ performance can be expected in the regular education program with appropriate modifications;
- ✓ altered content difficulty or specially designed instruction;
- ✓ supportive training related to the disability.

If modifications or supportive training are required to meet the objectives, specify the nature of the service required and the conditions under which the service will be provided.

G. Periodic Review of Services

Date Reviewed (mo., day, yr.)	Report progress made toward this goal and objectives.
_____ / _____ / _____	

This goal of the student's IEP:

- ☐ Meets student's current need(s) and will be continued without changes.
- ☐ Does not meet the student's current need(s) and the modifications on the attached page will be made without an IEP meeting unless you (the parent) contact us.
- ☐ Does not meet the student's current need(s) and the significant changes described on the attached page require a revised IEP. We will be in contact soon to schedule a meeting.

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H. Adaptation of Educational Services

Describe changes in educational services that will be made to permit successful accommodation and education of this student: e.g. grading, credits, staff, transportation, facilities, materials, equipment, technology, adaptive devices, curriculum, methods, and other services. Include procedures for monitoring equipment, if applicable.

Describe use of specially designed behavioral interventions. *Attach more information, if necessary.*

Are graduation requirements attainable and appropriate for this student without modifications or adaptations? (This item must be answered when the student is 14 years of age or older.) ☐ yes ☐ no ☐ not applicable because of age
If no, describe.

I. Special Education and Related Services

*Service(s)	Min./Week	Starting Date (mo., day, yr.)	Service Provider and Telephone	Location of Services Building Name and Room (if another school district, provide district name)

*The duration of these services may not exceed one year from the date of this IEP. This IEP is in effect for:

☐ a normal school year ☐ an extended school year. Explain below: ☐ less than a normal school year. Explain below:

J. Least Restrictive Environment Justification

This page is intended as a summary for all Goals, Objectives, Characteristics of Services , Adaptations, and Special Education and Related Services information included on pages 3 and 4. Check all sites and settings in which the special education and related services will be provided:

SITE

- ☐ School building student would attend if he/she did not have a disability
- ☐ Alternative regular school within the district
- ☐ Alternative regular school outside the district
- ☐ Separate school facility. State school name _____
- ☐ Home-based/Homebound
- ☐ Community based site other than a school or home
- ☐ Residential school
- ☐ Hospital or treatment center
- ☐ Other _____

LENGTH OF SCHOOL DAY
Is the student's school day longer or shorter than that of peers without disabilities?
☐ yes ☐ no If yes, explain.

SETTING

	Percent of time/week
Regular education	
Special education (select if not 100% regular education)	
☐ limited special services (less than 21% of time/week)	
☐ resource room services (21-60 % of time/week)	
☐ separate class services (more than 60% of time/week)	
Integrated community	
Other _____	
TOTAL	100 %

Note:
Please use this setting and site information to determine the federal child count placement category and enter in Part C, on front page of IEP.

Describe other options considered, and provide reasons those options were rejected. Explain why options selected above are the most appropriate and the least restrictive.

Regarding each of the options selected, is there a potential harmful effect on the student or the quality of services? ☐ Yes ☐ No
If yes, make sure the explanation for selection of each option is documented above.

K. Description of Activities with Students Who Are Not Disabled

Physical Education. Indicate type of physical education program that the student receives:
☐ regular P.E. ☐ adaptive/specially designed P.E. (include specific goals and objectives on page 3)
☐ separate facility provides P.E. (include specific goals and objectives on page 3)

Other Educational Program Options within the School Setting. List options considered and indicate those in which the student plans to participate.

Nonacademic and Extracurricular Services and Activities. List options considered and indicate those in which the student plans to participate.

NOTES

NOTES

RECORD OF CONTACTS WITH SCHOOL

Date	Nature of Contact
	Received *A Guide to Parent Rights* booklet

IMPORTANT CONTACT INFORMATION

	Name and Telephone Number
Principal of my child's school	
Teachers and others involved with my child's education	
Special education director	

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